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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,641	12/20/2005	Stefan Hoffmann	2003P00694WOUS	6107

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

WONGWIAN, PHUTTHIWAT

ART UNIT	PAPER NUMBER
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3741

MAIL DATE	DELIVERY MODE
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02/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,641	Applicant(s) HOFFMANN, STEFAN	
	Examiner PHUTTHIWAT WONGWIAN	Art Unit 3741	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is responsive to the amendment filed on 09/17/2008. As directed by the amendment, claims 11-16 and 18-19 are current pending in this application.

Election/Restrictions

2. Applicant's election with traverse of species I, Fig. 1-3, claims 11-16 and 19 in the reply filed on 11/26/2008 is acknowledged. The traversal is on the ground(s) that **“both the open-cooled blade and the combustion chamber have the same inventive concept regardless of being applied to a different device”**. This is found not persuasive because species I pertains to an open-cooled blade while species II pertain to a combustion chamber, the patentability of each would likely turn on different grounds, consequently, the search and examination of the entire application could not be made without serious burden on the office.

Response to Arguments

3. Applicant's arguments with respect to claim 11-16 and 18-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3741

5. Claim 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As to claims 13 and 15, the limitation "can be" is unclear whether the two layers are connected or not.

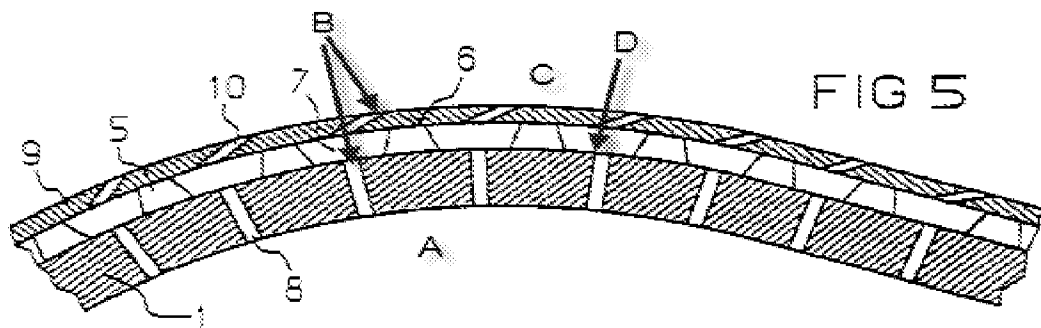
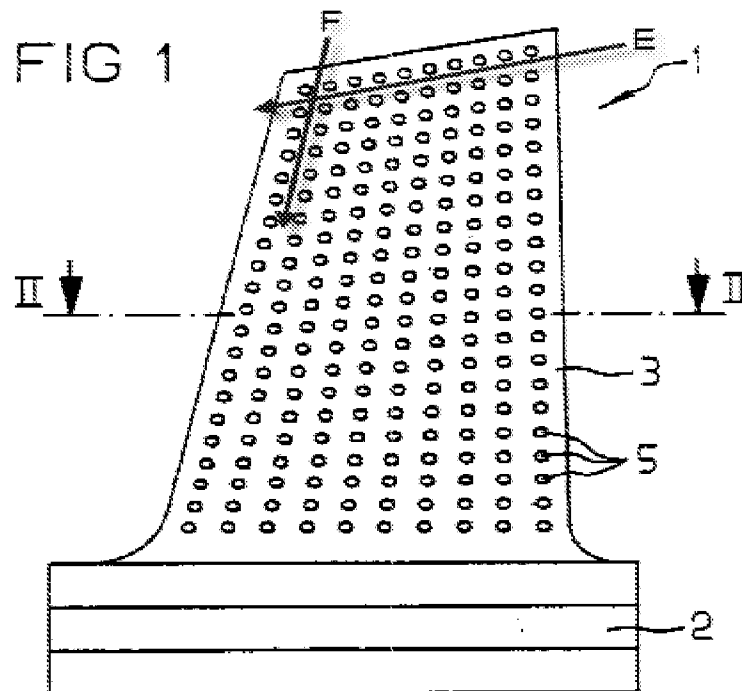
Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 11-15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Birkner (WO9911420/US Patent No. 6,582,194).



9. As to claims 11 and 19, Birkner discloses a gas turbine (col. 1, line 12, "The invention relates to a gas-turbine blade"), comprising: a compressor section (inherent); a turbine section (inherent); and a combustion chamber (inherent) comprising and a plurality of blades 1 (fig. 1) where each blade comprises: a root portion 2 (fig. 1), an airfoil portion 3 (fig. 1), an outer wall exposed to a hot gas 9 (fig. 5), a first cavity A (fig. 5 above) partly defined by the outer wall and for a first medium [intended use], a plurality

Art Unit: 3741

of through-openings B (fig. 5 above) are arranged in the outer wall and where the through-openings open into the first cavity on a first side and into the hot-gas space C (fig. 5 above) on a second side, and a second cavity D (fig. 5 above) for admixing a second medium [intended use], the second cavity being fluidically connected to the through-openings, wherein the second cavity is formed by supply passages F (fig. 1 above) are provided in the outer wall and are connected via transverse passages E (fig. 1 above) to the through-openings designed as through-bores, so that the two media cannot be mixed until inside the through-bores [desired result].

10. As to claim 12, Birkner discloses the outer wall has a multiplicity of through-bores, a multiplicity of supply passages B (fig. 5 above) running between the bores, and a multiplicity of further transverse passages E (fig. 1 above) linking the supply passages with the through-bores.

11. As to claims 13 and 14, Birkner discloses the outer wall has at least two layers (fig. 5) which can be connected to one another (fig. 5, the two layers can be connected to one another), wherein the passages (fig. 5 above) are incorporated between two layers in a layer surface.

12. As to claim 15, Birkner discloses the first cavity is connected to a first fluid source (col. 1, line 49, "cooling air feed") and supply passages can be connected to a second fluid source (the supply passages can be connected to a second fluid source).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birkner of Tiebbnigg (US Patent No. 2,647,368) or Stoltz (US Patent No. 3,037,351) or Johnson (US Patent No. 2,981,066).

15. As to claim 16, Birkner discloses the first fluid source is an oxidation source (col. 1, line 48, "cooling air") but does not disclose *the other fluid source is a fuel*.

However, Tiebbnigg or Stoltz or John teaches the second fluid source use in the turbine blade is a fuel 26 (fig. 1 and 3, Tiebbingg), 63b (fig. 14, Stoltz) or 52 (fig. 5, Johnson).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Birkner's invention to include injecting fuel into the turbine cavity, as suggested and taught by Tiebbnigg or Stoltz or John, for the purpose providing additional burning zone to the engine, thereby, producing additional thrust.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3741

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUTTHIWAT WONGWIAN whose telephone number is 571-270-5426. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL A. CUFF can be reached on 571-272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3741

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. W./

Examiner, Art Unit 3741

/Michael Cuff/

Supervisory Patent Examiner, Art Unit 3741